

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MAINE**

THE FAMILY PLANNING ASSOCIATION OF
MAINE D/B/A MAINE FAMILY PLANNING,
on behalf of itself, its staff, and its patients;

Case No. 1:19-cv-00100-LEW

and

**NOTICE OF WITHDRAWAL
OF MOTION FOR
PRELIMINARY INJUNCTION**

J. DOE, DO, MPH, individually and on behalf of
Dr. Doe's patients,

Plaintiffs,

V.

UNITED STATES DEPARTMENT OF
HEALTH AND HUMAN SERVICES;

ALEX M. AZAR II, in his official capacity as
Secretary of Health and Human Services;

OFFICE OF POPULATION AFFAIRS:

and

DIANE FOLEY, M.D., in her official capacity as
the Deputy Assistant Secretary for Population
Affairs,

Defendants.

Plaintiffs, The Family Planning Association of Maine d/b/a Maine Family Planning, on behalf of itself, its staff, and its patients; and J. Doe, DO, MPH, individually and on behalf of Dr. Doe's patients, hereby respectfully seek to withdraw their Motion for Preliminary Injunction (ECF No. 17) without prejudice as it has become moot at this time.

On April 25, 2019, the United States District Court for the Eastern District of Washington issued an order in *Washington v. Azar*, 1:19-cv-03040-SAB (ECF No. 54) (the “Washington

Order”), attached as Exhibit A, granting a nationwide injunction to stop any implementation of *Compliance with Statutory Program Integrity Requirements*, 84 Fed. Reg. 7714-01 (March 4, 2019) (the “Rule”). The Washington Order states: “Defendants [Alex M. Azar and the United States Department of Health and Human Services] and their officers, agents, servants, employees, and attorneys, and any person in active concert or participation with them, are ENJOINED from implementing or enforcing the [Rule], in any manner or in any respect, and shall preserve the status quo pursuant to regulations under 42 C.F.R., Pt. 59 in effect as of the date of April 24, 2019, until further order of the Court.” Washington Order at 18-19.

Plaintiffs’ Motion for Preliminary Injunction sought to enjoin the Rule on the basis that, *inter alia*, irreparable harm would result if the Rule went into effect on May 3 as contemplated by the terms of the Rule. (ECF No. 17 at 2). Because the Washington Order’s nationwide injunction temporarily stops the Rule from going into effect altogether until further order of that Court, including as applied to Plaintiffs and throughout Maine, there is no longer an imminent threat of irreparable harm to Plaintiffs necessitating a preliminary injunction from this Court.

Accordingly, Plaintiffs hereby request that their Motion for Preliminary Injunction be withdrawn without prejudice at this time. Plaintiffs reserve all rights to renew their Motion for Preliminary Injunction in the event that the Washington Order is no longer in effect or if Defendants otherwise regain the ability to implement the Rule.

Dated: April 26, 2019

Respectfully submitted,

/s/ Richard L. O’Meara

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**Admitted Pro Hac Vice*